

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 59

101ST GENERAL ASSEMBLY

0592S.04C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 84.400, 565.240, 590.030, and 590.070, RSMo, and to enact in lieu thereof eleven new sections relating to public safety, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 84.400, 565.240, 590.030, and
2 590.070, RSMo, are repealed and eleven new sections enacted in
3 lieu thereof, to be known as sections 84.400, 84.575, 211.072,
4 546.265, 547.031, 565.240, 590.030, 590.070, 590.075, 590.192,
5 and 590.1265, to read as follows:

84.400. **1.** Any one of said commissioners so appointed
2 or any member of any such police force who, during the term
3 of his office, shall accept any other place of public trust,
4 or emolument, or who shall knowingly receive any nomination
5 for an office elective by the people, and shall fail to
6 decline such nomination publicly within the five days
7 succeeding such nomination or shall become a candidate for
8 the nomination for any office at the hands of any political
9 party, shall be deemed to have thereby forfeited and vacated
10 office as such commissioner or member of such police force.

**2. Notwithstanding any provisions of law to the
12 contrary, a member of the board or any member of such police
13 force may be appointed to serve on any state or federal
14 board, commission, or task force where no compensation for**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 such service is paid, except that such board member or
16 member of such police force may accept payment of a per diem
17 for attending meetings, or if no per diem is provided,
18 reimbursement from such board, commission, or task force for
19 reasonable and necessary expenses for attending such
20 meetings.

84.575. 1. The board of police commissioners
2 established by section 84.350 shall not require, as a
3 condition of employment, that any currently employed or
4 prospective law enforcement officer or other employee reside
5 within any jurisdictional limit. If the board of police
6 commissioners has a residency rule or requirement for law
7 enforcement officers or other employees that is in effect on
8 or before August 28, 2021, the residency rule or requirement
9 shall not apply and shall not be enforced.

10 2. The board of police commissioners may impose a
11 residency rule or requirement on law enforcement officers or
12 other employees, but the rule or requirement shall be no
13 more restrictive than requiring such personnel to reside
14 within thirty miles from the nearest city limit and within
15 the boundaries of the state of Missouri.

211.072. 1. A juvenile, under the age of eighteen,
2 who has been certified to stand trial as an adult for
3 offenses pursuant to section 211.071, if currently placed in
4 a secure juvenile detention facility, shall remain in a
5 secure juvenile detention facility, pending finalization of
6 the judgment and completion of appeal, if any, of the
7 judgment dismissing the juvenile petition to allow for
8 prosecution under the general law unless otherwise ordered
9 by the juvenile court. Upon the judgment dismissing the
10 petition to allow prosecution under the general laws
11 becoming final, and adult charges being filed, if the

12 juvenile is currently in a secure juvenile detention
13 facility, the juvenile shall remain in such facility unless
14 the juvenile posts bond or the juvenile is transferred to an
15 adult jail. If the juvenile officer does not believe
16 detention would be the appropriate placement or would
17 continue to serve as the appropriate placement, the juvenile
18 officer may file a motion in the adult criminal case,
19 requesting that the juvenile be transferred from a secure
20 juvenile detention facility to an adult jail. The court
21 shall hear evidence relating to the appropriateness of the
22 juvenile remaining in a secure juvenile detention facility
23 or being transferred to an adult jail. At said hearing, the
24 following shall have the right to be present and have the
25 opportunity to present evidence and recommendations at such
26 hearing: the juvenile; the juvenile's parents; the
27 juvenile's counsel; the prosecuting attorney; the juvenile
28 officer or their designee for the circuit in which the
29 juvenile was certified; the juvenile officer or their
30 designee for the circuit in which the pre-trial certified
31 juvenile is proposed to be held, if different than the
32 circuit in which the juvenile was certified; counsel for the
33 juvenile officer; and representatives of the county proposed
34 to have custody of the pre-trial certified juvenile.

35 2. Following said hearing, the court shall order that
36 the juvenile continue to be held in a secure juvenile
37 detention facility subject to all Missouri juvenile
38 detention standards or shall order that the pre-trial
39 certified juvenile be held in an adult jail, but only after
40 the court has made findings that it would be in the best
41 interest of justice to move the pre-trial certified juvenile
42 to an adult jail. The court shall weigh the following

43 factors when deciding whether to detain a certified juvenile
44 in an adult facility:

45 (1) The certified juvenile's age;

46 (2) The certified juvenile's physical and mental
47 maturity;

48 (3) The certified juvenile's present mental state,
49 including whether they present an imminent risk of self-harm;

50 (4) The nature and circumstances of the charges;

51 (5) The certified juvenile's history of delinquency;

52 (6) The relative ability of the available adult and
53 juvenile facilities to both meet the needs of the certified
54 juvenile but to protect the public and other youth in their
55 custody;

56 (7) The opinion of the juvenile officer in the circuit
57 of the proposed placement as to the ability of that juvenile
58 detention facility to provide for appropriate care, custody,
59 and control of the pre-trial certified juvenile;

60 (8) Any other relevant factor.

61 3. In the event the court finds that it is in the best
62 interest of justice to require the certified juvenile to be
63 held in an adult jail, the court shall hold a hearing once
64 every thirty days to determine whether the placement of the
65 certified juvenile in an adult jail is still in the best
66 interests of justice.

67 4. A certified juvenile cannot be held in an adult
68 jail for more than one hundred eighty days unless the court
69 finds, for good cause, that an extension is necessary or the
70 juvenile, through counsel, waives the one hundred eighty day
71 maximum period.

72 5. Effective December 21, 2021, all previously pre-
73 trial, certified juveniles, under the age of eighteen, who
74 had been certified prior to August 28, 2021, shall be

75 transferred from adult jail to a secure juvenile detention
76 facility, unless a hearing is held and the court finds,
77 based upon the factors in subsection 2 of this section, that
78 it would be in the best interest of justice to keep the
79 juvenile in the adult jail.

80 6. All pre-trial, certified juveniles, under the age
81 of eighteen years, who are held in adult jails pursuant to
82 the best interest of justice exception shall continue to be
83 subject to the protections of the federal Prison Rape
84 Elimination Act (PREA) and shall be physically separated
85 from adult inmates.

86 7. If the certified juvenile remains in juvenile
87 detention, the juvenile officer may file a motion to
88 reconsider placement. The court shall consider the factors
89 set out in subsection 2 of this section and the individuals
90 set forth in subsection 1 of this section shall have a right
91 to be present and present evidence. The court may amend its
92 earlier order in light of the evidence and arguments
93 presented at the hearing if the court finds that it would
94 not be in the best interest of justice for the juvenile to
95 remain in a secure juvenile detention facility.

96 8. Issues related to the setting of, and posting of,
97 bond along with any bond forfeiture proceedings shall be
98 held in the pre-trial certified juvenile's adult criminal
99 case.

100 9. Upon attaining age of eighteen years or upon
101 conviction on the adult charges, the juvenile shall be
102 transferred from juvenile detention to the appropriate adult
103 facility.

104 10. Any responsibility for transportation of the
105 certified juvenile who remains in a secure juvenile
106 detention facility shall be handled in the same manner as in

107 all other adult criminal cases where the defendant is in
108 custody.

109 11. The per diem provisions as set forth in section
110 211.156 shall apply to certified juveniles who are being
111 held in a secure juvenile detention facility.

546.265. 1. As used in this section, the following
2 terms mean:

3 (1) "Crime stoppers organization", a private, not-for-
4 profit organization that collects and expends donations for
5 rewards to persons who report to the organization
6 information concerning criminal activity and that forwards
7 such information to appropriate law enforcement agencies;

8 (2) "Privileged communication", information by an
9 anonymous person to a crime stoppers organization for the
10 purpose of reporting alleged criminal activity.

11 2. No person shall be required to disclose, by way of
12 testimony or otherwise, a privileged communication between a
13 person who submits a report of alleged criminal activity to
14 a crime stoppers organization and the person who accepts the
15 report on behalf of a crime stoppers organization or to
16 produce, under subpoena, any records, documentary evidence,
17 opinions, or decisions relating to such privileged
18 communication:

19 (1) In connection with any criminal case or
20 proceeding; or

21 (2) By way of any discovery procedure.

22 3. Any person arrested or charged with a criminal
23 offense may petition the court for an in-camera inspection
24 of the records of a privileged communication concerning the
25 report such person made to a crime stoppers organization.
26 The petition shall allege facts showing that such records
27 would provide evidence favorable to the defendant and

28 relevant to the issue of guilt or punishment. If the court
29 determines that the person is entitled to all or any part of
30 such records, the court may order production and disclosure
31 as the court deems appropriate.

547.031. 1. A prosecuting or circuit attorney, in the
2 jurisdiction in which a person was convicted of an offense,
3 may file a motion to vacate or set aside the judgment at any
4 time if he or she has information that the convicted person
5 may be innocent or may have been erroneously convicted. The
6 circuit court in which the person was convicted shall have
7 jurisdiction and authority to consider, hear, and decide the
8 motion.

9 2. Upon the filing of a motion to vacate or set aside
10 the judgment, the court shall order a hearing and shall
11 issue findings of fact and conclusions of law on all issues
12 presented. The attorney general shall be given notice of
13 hearing of such a motion by the circuit clerk and shall be
14 permitted to appear, question witnesses, and make arguments
15 in a hearing of such a motion.

16 3. The court shall grant the motion of the prosecuting
17 or circuit attorney to vacate or set aside the judgment
18 where the court finds that there is clear and convincing
19 evidence of actual innocence or constitutional error at the
20 original trial or plea that undermines the confidence in the
21 judgment. In considering the motion, the court shall take
22 into consideration the evidence presented at the original
23 trial or plea; the evidence presented at any direct appeal
24 or post-conviction proceedings, including state or federal
25 habeas actions; and the information and evidence presented
26 at the hearing on the motion.

27 4. The prosecuting attorney, circuit attorney, or the
28 defendant shall have the authority and right to file and

29 maintain an appeal of the denial or disposal of such a
30 motion. The attorney general shall also have the right to
31 intervene in any appeal filed by the prosecuting or circuit
32 attorney or the defendant.

565.240. 1. A person commits the offense of unlawful
2 posting of certain information over the internet if he or
3 she knowingly posts the name, home address, Social Security
4 number, [or] telephone number, **or any other personally**
5 **identifiable information** of any person on the internet
6 intending to cause great bodily harm or death, or
7 threatening to cause great bodily harm or death to such
8 person.

9 2. The offense of unlawful posting of certain
10 information over the internet is a class C misdemeanor,
11 **unless the person knowingly posts the name, home address,**
12 **Social Security number, telephone number, or any other**
13 **personally identifiable information of any law enforcement**
14 **officer, corrections officer, parole officer, or prosecuting**
15 **attorney, or immediate family member of such officers, on**
16 **the internet intending to cause great bodily harm or death,**
17 **or threatening to cause great bodily harm or death, in which**
18 **case it is a class E felony.**

590.030. 1. The POST commission shall establish
2 minimum standards for the basic training of peace officers.
3 Such standards may vary for each class of license
4 established pursuant to subsection 2 of section 590.020.

5 2. The director shall establish minimum age,
6 citizenship, and general education requirements and may
7 require a qualifying score on a certification examination as
8 conditions of eligibility for a peace officer license. Such
9 general education requirements shall require completion of a
10 high school program of education under chapter 167 or

11 obtainment of a General Educational Development (GED)
12 certificate.

13 3. The director shall provide for the licensure, with
14 or without additional basic training, of peace officers
15 possessing credentials by other states or jurisdictions,
16 including federal and military law enforcement officers.

17 4. The director shall establish a procedure for
18 obtaining a peace officer license and shall issue the proper
19 license when the requirements of this chapter have been met.

20 5. As conditions of licensure, all licensed peace
21 officers shall:

22 (1) Obtain continuing law enforcement education
23 pursuant to rules to be promulgated by the POST commission;
24 [and]

25 (2) Maintain a current address of record on file with
26 the director; **and**

27 **(3) Submit to being fingerprinted on or before January**
28 **1, 2022, and at any time a peace officer is commissioned**
29 **with a different law enforcement agency, for the purpose of**
30 **a criminal history background check and enrollment in the**
31 **state and federal Rap Back programs, pursuant to section**
32 **43.540. The criminal history background check shall include**
33 **the records of the Federal Bureau of Investigation. The**
34 **resulting report shall be forwarded to the officer's**
35 **commissioning law enforcement agency at the time of**
36 **enrollment and Rap Back enrollment shall be for the purpose**
37 **of the requirements of subsection 3 of section 590.070 and**
38 **subsection 2 of section 590.118. An officer shall take all**
39 **necessary steps to maintain enrollment in Rap Back at all**
40 **law enforcement agencies where the officer is commissioned**
41 **for as long as the officer is commissioned with that agency.**

42 6. A peace officer license shall automatically expire
43 if the licensee fails to hold a commission as a peace
44 officer for a period of five consecutive years, provided
45 that the POST commission shall provide for the relicensure
46 of such persons and may require retraining as a condition of
47 eligibility for relicensure, and provided that the director
48 may provide for the continuing licensure, subject to
49 restrictions, of persons who hold and exercise a law
50 enforcement commission requiring a peace officer license but
51 not meeting the definition of a peace officer pursuant to
52 this chapter.

53 **7. All law enforcement agencies shall enroll in the**
54 **state and federal Rap Back programs on or before January 1,**
55 **2022, and continue to remain enrolled. The law enforcement**
56 **agency shall take all necessary steps to maintain officer**
57 **enrollment for all officers commissioned with that agency in**
58 **the Rap Back programs. An officer shall submit to being**
59 **fingerprinted at any law enforcement agency upon**
60 **commissioning and for as long as the officer is commissioned**
61 **with that agency.**

590.070. 1. The chief executive officer of each law
2 enforcement agency shall, within thirty days after
3 commissioning any peace officer, notify the director on a
4 form to be adopted by the director. The director may
5 require the chief executive officer to conduct a current
6 criminal history background check and to forward the
7 resulting report to the director.

8 2. The chief executive officer of each law enforcement
9 agency shall, within thirty days after any licensed peace
10 officer departs from employment or otherwise ceases to be
11 commissioned, notify the director on a form to be adopted by
12 the director. Such notice shall state the circumstances

13 surrounding the departure from employment or loss of
14 commission and shall specify any of the following that apply:

15 (1) The officer failed to meet the minimum
16 qualifications for commission as a peace officer;

17 (2) The officer violated municipal, state or federal
18 law;

19 (3) The officer violated the regulations of the law
20 enforcement agency; or

21 (4) The officer was under investigation for violating
22 municipal, state or federal law, or for gross violations of
23 the law enforcement agency regulations.

24 3. Whenever the chief executive officer of a law
25 enforcement agency has reasonable grounds to believe that
26 any peace officer commissioned by the agency is subject to
27 discipline pursuant to section 590.080, the chief executive
28 officer shall report such knowledge to the director.

29 **4. Notwithstanding any other provision of law to the**
30 **contrary, the chief executive officer of each law**
31 **enforcement agency has absolute immunity from suit for**
32 **compliance with this section, unless the chief executive**
33 **officer presented false information to the director with the**
34 **intention of causing reputational harm to the peace officer.**

590.075. The chief executive officer of each law
2 enforcement agency shall, prior to commissioning any peace
3 officer, request a certified copy from the director of all
4 notifications received pursuant to section 590.070 and the
5 director shall provide all notifications stored
6 electronically to the chief executive officer who requested
7 the notifications within three business days after receipt
8 of request. If the director receives any additional
9 notifications regarding the candidate for commissioning
10 within sixty days of a chief executive officer's request

11 under this section, a copy of such notifications shall be
12 forwarded by the director to the requesting chief executive
13 officer within three business days following receipt.

590.192. 1. There is hereby established the "Critical
2 Incident Stress Management Program" within the department of
3 public safety. The program shall provide services for peace
4 officers to assist in coping with stress and potential
5 psychological trauma resulting from a response to a critical
6 incident or emotionally difficult event. Such services may
7 include consultation, risk assessment, education,
8 intervention, and other crisis intervention services
9 provided by the department to peace officers affected by a
10 critical incident. For purposes of this section, a
11 "critical incident" shall mean any event outside the usual
12 realm of human experience that is markedly distressing or
13 evokes reactions of intense fear, helplessness, or horror
14 and involves the perceived threat to a person's physical
15 integrity or the physical integrity of someone else.

16 2. All peace officers shall be required to meet with a
17 program service provider once every three to five years for
18 a mental health check-in. The program service provider
19 shall send a notification to the peace officer's commanding
20 officer that he or she completed such check-in.

21 3. Any information disclosed by a peace officer shall
22 be privileged and shall not be used as evidence in criminal,
23 administrative, or civil proceedings against the peace
24 officer unless:

25 (1) A program representative reasonably believes the
26 disclosure is necessary to prevent harm to a person who
27 received services or to prevent harm to another person;

28 (2) The person who received the services provides
29 written consent to the disclosure; or

30 (3) The person receiving services discloses
31 information that is required to be reported under mandatory
32 reporting laws.

33 4. (1) There is hereby created in the state treasury
34 the "988 Public Safety Fund", which shall consist of money
35 appropriated by the general assembly. The state treasurer
36 shall be custodian of the fund. In accordance with sections
37 30.170 and 30.180, the state treasurer may approve
38 disbursements. The fund shall be a dedicated fund and money
39 in the fund shall be used solely by the department of public
40 safety for the purposes of providing services for peace
41 officers pursuant to subsection 1 of this section. Such
42 services may include consultation, risk assessment,
43 education, intervention, and other crisis intervention
44 services provided by the department to peace officers
45 affected by a critical incident. The director of public
46 safety may prescribe rules and regulations necessary to
47 carry out the provisions of this section. Any rule or
48 portion of a rule, as that term is defined in section
49 536.010, that is created under the authority delegated in
50 this section shall become effective only if it complies with
51 and is subject to all of the provisions of chapter 536 and,
52 if applicable, section 536.028. This section and chapter
53 536 are nonseverable and if any of the powers vested with
54 the general assembly pursuant to chapter 536 to review, to
55 delay the effective date, or to disapprove and annul a rule
56 are subsequently held unconstitutional, then the grant of
57 rulemaking authority and any rule proposed or adopted after
58 August 28, 2021, shall be invalid and void.

59 (2) Notwithstanding the provisions of section 33.080
60 to the contrary, any moneys remaining in the fund at the end

61 of the biennium shall not revert to the credit of the
62 general revenue fund.

63 (3) The state treasurer shall invest moneys in the
64 fund in the same manner as other funds are invested. Any
65 interest and moneys earned on such investments shall be
66 credited to the fund.

590.1265. 1. The provisions of this section shall be
2 known and may be cited as the "Police Use of Force
3 Transparency Act of 2021".

4 2. For purposes of this section, the following terms
5 mean:

6 (1) "Law enforcement agency", the same meaning as
7 defined in section 590.1040;

8 (2) "Peace officer", the same meaning as defined in
9 section 590.010;

10 (3) "Serious physical injury", the same meaning as
11 defined in section 556.061;

12 (4) "Use-of-force incident", an incident in which:

13 (a) A fatality occurs that is connected to a use of
14 force by a peace officer;

15 (b) Serious bodily injury occurs that is connected to
16 a use of force by a peace officer; or

17 (c) In the absence of death or serious physical
18 injury, a peace officer discharges a firearm at, or in the
19 direction of, a person.

20 3. Starting on March 1, 2022, and at least annually
21 thereafter, each law enforcement agency shall collect and
22 report local data on use-of-force incidents involving peace
23 officers to the National Use of Force Data Collection
24 through the Law Enforcement Enterprise Portal administered
25 by the Federal Bureau of Investigation. Law enforcement

26 agencies shall not include personally identifying
27 information of individual peace officers in their reports.

28 4. Each law enforcement agency shall additionally
29 report the data submitted under subsection 3 of this section
30 to the department of public safety. Law enforcement
31 agencies shall not include personally identifying
32 information of individual peace officers in their reports.

33 5. The department of public safety shall, no later
34 than October 31, 2021, develop standards and procedures
35 governing the collection and reporting of use-of-force data
36 under this section. The standards and procedures shall be
37 consistent with the requirements, definitions, and methods
38 of the National Use of Force Data Collection administered by
39 the Federal Bureau of Investigation.

40 6. By March 1, 2023, and at least annually thereafter,
41 the department of public safety shall publish the data
42 reported by law enforcement agencies under subsection 4 of
43 this section, including statewide aggregate data and agency-
44 specific data, in a publicly available report on the
45 department of public safety's website. Such data shall be
46 deemed a public record consistent with the provisions and
47 exemptions contained in chapter 610.

48 7. The department of public safety shall undertake an
49 analysis of any trends and disparities in rates of use of
50 force by all law enforcement agencies, with a report to be
51 released to the public no later than June 30, 2025. The
52 report shall be updated periodically thereafter, but not
53 less than once every five years.

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